

I am concerned as both a consumer and a parent that the proposed broadcast flag is not in the public interest. These proposals will not succeed in controlling piracy, but will succeed in creating a pay-per-view culture that eliminates many common fair uses of recorded material and stifle innovation in the consumer electronics industry.

If I want to record an analog television program and edit it to remove commercials and objectionable content for my own private use, I can legally do so today. With the proposals being put forth for digital television programming, I could potentially be imprisoned for doing so in the future.

If my children want to watch the same television program over and over until they commit all of the dialog to memory, they can do so today without my spending more than the cost of a blank video tape. With the proposals being put forth, my children would be restricted from watching a program more than once, since I would be unable to record it, or I would be charged a significant fee for each viewing, which I probably couldn't afford for more than a few viewings.

If I want to record my family using a analog video camera, I can easily share those moments today by making copies for friends and family. With the proposals being put forth for digital recording, I would be prohibited from sharing those precious moments since it would be impossible to determine if I owned the copyright to the recorded material.

In addition to eliminating these common fair uses of recorded material, the proposals will, and have already, reduced innovation in the consumer electronic industry.

For example, I would really like to purchase a digital recording device that records television programs to a hard disk, offers Commercial Advance (a feature already offered on analog VCRs), an electronic program guide to simplify recording programs, a recordable DVD drive to archive recorded programs, an Internet connection for setting or changing my recording choices remotely, and a port for connecting a digital camera, so I can archive or distribute my own digital content.

Some of these features are offered today on some consumer electronic devices. However, many of the companies that sell these devices are being sued by various media companies for supposed "copyright infringement". As a result of these lawsuits, no one manufactures a digital recording device with all of these features.

Media companies want the legal right to bar the manufacture of consumer electronic devices that they can't control. Today, innovation is driven by consumer demand.

Tomorrow, if the proposals put forth pass, media companies will crush innovation by forever issuing mandates and filing lawsuits

Alternative methods should be explored to compensate media companies for the use of their products. For example, a royalty could be imposed on digital recording devices and recording media, which would go into a pool to be distributed to content providers. Consumers would be able to use digital content in any way they see fit, and content providers would receive fair compensation for their works.

Giving absolute control of digital media to media companies is not in the best interests of the public. The proposals put forth by these media companies to the FCC should be rejected.